

**TARTER KRINSKY & DROGIN LLP**

*Attorneys for ERBO Properties LLC, KOVA 521, LLC and Gold Mezz LLC*

*Debtors and Debtors-in-Possession*

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: :  
: Chapter 11  
:   
ERBO PROPERTIES LLC, et al.<sup>1</sup> : Case No.: 23-10210 (LGB)  
: (Jointly Administered)  
Debtors. :  
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**DECLARATION OF ELIEZER FRIED IN SUPPORT OF DEBTOR'S  
MOTION TO REJECT A DEVELOPMENT MANAGEMENT AGREEMENT WITH  
HIGHER GROUND 541 LLC AND A CONSTRUCTION MANAGEMENT AGREEMENT  
WITH CAULDWELL WINGATE COMPANY LLC**

I, Eliezer Fried, declare, pursuant to section 1746 of title 28 of the United States Code,  
that:

1. I am over the age of eighteen and reside in New York.
2. I am the president of Irving Oak Management ("Irving"). I have extensive experience managing properties in NYC as well as managing and overseeing construction projects.
3. On or about February 7, 2023, I was requested by Hershel Klein, a representative of the Debtor, to review and report on the status of a construction project located at 541 West

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<sup>1</sup> The Debtors are ERBO Properties LLC (EIN x9179), Case No.: 23-10210, with a mailing address at 551 Bedford Avenue, Brooklyn, NY 11211; KOVA 521, LLC (EIN x9972), Case No.: 23-10211, with a mailing address at 551 Bedford Avenue, Brooklyn, NY 11211; and Gold Mezz LLC (EIN x4741), Case No.: 23-10212, with a mailing address at 551 Bedford Avenue, Brooklyn, NY 11211.

21<sup>st</sup> Street New York, NY (the “Building”). I was officially hired on March 12, 2023 and received a payment for my services from Rachel Bodek.

4. Since being retained, I have personally walked through the entire Building numerous time in performing substantial due diligence on the Project. Annexed hereto as **Exhibit “A”** is a short summary and my qualifications as well as a summary of the services Irving has provided to date with respect to the Project.

5. In short, I am confident in my ability, with the assistance of Mabe, a licensed general contractor whom I have worked with on several projects in the past, we will be able to obtain a partial TCO for the Project in six months or less.

6. Irving has submitted a proposed contract to the Debtor which includes the most recent updated estimate to obtain the TCO. I was also provided a copy of Cauldwell’s recent estimate to obtain the TCO and I believe Cauldwell’s estimate is incomplete as it does include certain work required to obtain the TCO.

7. In short, Irving and Mabe are ready, willing, and able to mobilize to finish the construction and obtain DOB signoffs necessary to obtain a partial TCO for the Building.

8. I am prepared to testify as to the current condition of the Building and my cost estimate for obtaining the TCO.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 1st day of May 2023

/s/ Eliezer Fried  
Eliezer Fried

**EXHIBIT A**

**Date:** 4/18/2023  
**Re:** Irving Oak Management Construction Report  
**Address:** 541 West 21<sup>st</sup> Street  
New York, NY



Irving Oak Management is a property management and construction coordination company that has been serving the New York City area for seven years overseeing projects totaling more than 800k square feet. We provide comprehensive services to our clients as an owner's representative, coordinating all needs in construction or management for buildings in the city.

Our team at Irving Oak Management is highly experienced and knowledgeable in this industry, and we take great pride in the quality of our work. We have a proven track record of success and have earned a strong reputation for our commitment to excellence. Our clients can rest assured that Irving Oak Management has the expertise to oversee their needs.

It is clear that Irving Oak Management is the ideal choice for anyone looking for reliable property management and construction services in the New York City area. Our dedication to providing the highest level of service is unparalleled, and our commitment to excellence is evident in every project we undertake.

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See the below chart outlining past and current projects that Irving Oak has been involved in, along with our responsibility on each project.

	Address	Type	SQ Footage	Project
Past Projects				
	Bogart St. Brooklyn NY	Commercial	159,998 00	Construction and Project Management
	Spencer St, Brooklyn NY	Commercial	52,643 00	TI and Project Management
	Forrest St, Brooklyn NY	Commercial Conversion to Residential	32,197 00	Construction and Management
	Kingsland Ave, Brooklyn NY	Commercial	22,930 00	Construction and Management
	19th St, Brooklyn NY	Commercial	10,000 00	Construction
	108 St, Queens NY	School	10,000 00	Construction
	Broadway, Brooklyn NY	Commercial	52,714 00	Project Management
	Roebing St, Brooklyn NY	Mixed Use	40,469 00	Construction and Project Management
	Wyckoff Ave, Brooklyn NY	Commercial	38,794 00	Construction and Management
Current Projects				
	Wyckoff Ave Queens NY	Commercial	48,762 00	Management
	Irving Ave, Queens NY	Commercial	19,116 00	Construction and Management
	Thames St Brooklyn	Mixed Use	63,630 00	Management
	South 2nd St, Brooklyn NY	Mixed Use	33,570 00	Construction and Management
	Marcy Ave, Brooklyn NY	Commercial	57,483 00	Management
	Melrose St, Brooklyn	Commercial	13,497 00	Construction
	East 40th St, Manhattan NY	Hotel	3,092 00	Construction
	Troutman St, Brooklyn NY	Commercial	57,067 00	Management
	1st Ave, Manhattan NY	Mixed Use	5,215 00	Construction and Management
	Albany Ave, Brooklyn NY	Commercial	35,775 00	Management
	North 13th St, Brooklyn NY	Commercial	68,750 00	Management
Chapter 11 Project				
	Howard Ave, Brooklyn NY	Residential	12,792 00	Management

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As the owner's representative now hired for 541 West 21st Street, we have to date done the following.

- Secured the building via 24-hour electronic surveillance
- Daily walk thru inspections on all major mechanical systems and general building requirements
- Reviewed all current building plans filed with the building department
- We signed up for all city alerts to keep us updated on any developments
- Reviewed all open permits and sign off requirements. Hired experienced expeditor (BAC Group) that reviewed and provided a full comprehensive list of requirements to TCO
- Inspected the current job conditions versus what's needed to complete for TCO
- We will be hiring the well experienced "Mabe Group" as the new Licensed GC to oversee the job and signoffs. We have worked with the Mabe Group on 7 prior and current projects.
- Reviewed the open contracts and list of current subs and then reached out to them for possible continuation and completion. The existing elevator company Kone Inc. has provided us with a cost & timeline for both pre-inspection and sign-off & inspection. The existing Fire alarm company, Cross fire has presented a cost and timeline to complete the job and sign offs
- For all non-cooperating current subs, we sent out "job completion requirements" for bidding to alternate high quality subs to replace and supersede the current sub.
- Upon working on this job, we came across many open violations on the site which we will be hiring a company for, and we'll work on dismissing it and negotiating on the penalties.



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This all is a positive step forward for the project and will help to guarantee that the job is done properly and efficiently. We will also help to ensure that the project is completed on time and within budget. This will be beneficial for all parties involved, as it will reduce the costs and time associated with the project.

We are pleased with the progress we have made and are confident that we will achieve our desired results. Our team is committed to making sure that the job is done to the highest standards and that all parties involved are satisfied with the results. We are looking forward to seeing the successful completion of this project.

The estimated timeline to complete, from approval of funding (pending DOB Holdups) is 3-5 months

- Please find below the list of open items to complete. These items are part of the above-mentioned cost requirements.

541 West 21 Street

block # 693, lot # 10, bin # 1012308

Alt 2 MH

Alt 2 Permit#	Item	Status	Responsibility
<u>100310940</u>	PW-1 to withdraw application once alt 1 is signed off in alt 1	Pending	owner to sign

Alt 3-BPP

Alt 3 Permit #	Item	Status	Responsibility
<u>140881589</u>	Reinstate application	Pending	BAC to coordinate
	street tree receipt	Pending	BAC to receive
	BPP-11	Pending	Applicant to sign
	Final Survey	Pending	surveyor
	Street tree signoff	Pending	BAC to coordinate
	BPP photos	Pending	Owner to provide
	BPP inspection	Pending	BAC to coordinate

Shed

Alt 3 Permit#	Item	Status	Responsibility
<u>104734904</u>	PW-1 to withdraw application once alt 1 is signed off in dob now	Pending	owner to sign

Shed

Alt 3 Permit#	Item	Status	Responsibility
<u>140136984</u>	PW-1 to withdraw application once alt 1 is signed off in dob now	Pending	owner to sign

Alt 2-Sprinkler Removal

2 OT-GC

ALT 2 Permit #	Item	Status	Responsibility
<u>104755506</u>	PW-1 to withdraw, application 103679397 is signed off	Pending	owner to sign

Structure advertising sign

Alt 3 Permit#	Item	Status	Responsibility
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Structure advertising sign

ALT 3 Permit #	Item	Status	Responsibility
121443410	PW-1 to withdraw application with inspection	Pending	BAC to coordinate

Alt 1 OT-MH-PL-ST-SP-SD- 1 OT-MH-PL-ST-SD-SP

Alt 1 Permit #	Item	Status	Responsibility
121204990	Final TR-1 & 8	Pending	Special Inspector to sign
	TR-2 report	Pending	Special Inspector to sign
	Sustainable roof zone form signoff by examiner	Pending	Architect to sign
	Final Survey	Pending	Surveyor
	AI-1 to certify survey	Pending	Architect to sign
	BPP signoff	Pending	BAC to coordinate
	Street tree signoff	Pending	BAC to coordinate with Parks Department
	EN2	Pending	Special Inspector to sign
	Final Construction Inspection and signoff	Pending	BAC to coordinate
	Final Plumbing Inspection and signoff	Pending	Master Plumber
	Final Elevator Inspection and signoff	Pending	Elevator Co
	Final Electrical Inspection and signoff	Pending	Licensed Electrician
	Sprinkler signoff	Pending	Master Plumber
	Standpipe signoff	Pending	Fire suppression contractor
	Cost affidavit PW-3	Pending	Architct & owner to sign
	Verify tax lot	Pending	BAC to receive
	Topo Stamp	Pending	BAC to receive
	Violation Search	Pending	to be received by final CO
	Doc 7 is disapproved, approve or withdraw	Pending	BAC to coordinate
	Approve doc # 9	Pending	BAC to coordinate
	FA signoff do you have an application?	Pending	FA CO
	Smoke detector letter	Pending	Electrician to sign
	DOB NOW review	Pending	DOB NOW applications to be signed off

Alt 2 OT-GC

DOB NOW permit#	Item	Status	Responsibility
123804491	Cost affidavit PW-3	Pending	Architct & owner to sign
	final TR-1 & tr8	Pending	special inspector
	EN2	Pending	Special Inspector to sign



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Structure advertising sign			
Alt 3 Permit#		Status	Responsibility
121446765	PW-1 to withdraw application with inspection	Pending	BAC to coordinate
Sign			
Alt 3 Permit #	Item	Status	Responsibility
121446809	PW-1 to withdraw application with inspection	Pending	BAC to coordinate
Sign			
Alt 3 Permit #	Item	Status	Responsibility
121446818	PW-1 to withdraw application with inspection	Pending	BAC to coordinate
Sign			
Alt 3 Permit #	Item	Status	Responsibility
121446792	PW-1 to withdraw application with inspection	Pending	BAC to coordinate
DOB applications			
PMM	M00602528	Status	
Sprinkler	M00266884	permit issued	
Construction Equipment			
M00492920	construction fence	permit issued	
M00492910	shed	permit issued	
B00631849	shed	permit issued	
M00338172	shed	permit issued	
M00405073	scaffold	permit issued	
M00329624	scaffold	permit issued	
Elevator Applications			

M00329268	Permit issued		
Electrical Applications			
M00490016	shed wiring	permit issued	
M00385306	shed wiring	permit issued	
M00328203	elevator electrical	permit issued	
M00308667	general wiring	permit issued	
M00258523	general wiring	permit issued	
M00250317	lighting sidewalk shed	permit issued	
Violations			
41 DOB violations	owners responsibility		
12 Eob violations	owners responsibility		